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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,969	10/10/2006	Junya Ohde	286085US6PCT	8866
22850 7590 07/08/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HUERTA, ALEXANDER Q	
			ART UNIT 2427	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/568,969	<b>Applicant(s)</b> OHDE ET AL.	
	<b>Examiner</b> Alexander Q. Huerta	<b>Art Unit</b> 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 22,24-32,34-41 and 43-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22,24-32,34-41 and 43-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27 April 2010 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 22, 24-32, 34-41, and 43-47 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 22, 26, 32, 36, 43, 45, 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington et al. (US Pat. **6,922,843**) in view of Mori et al. (US Pub. **2004/0210932**), and in further view of Zimmerman (US Pub. **2002/0140728**), herein referenced as Herrington, Mori, and Zimmerman, respectively.

Regarding **claim 22**, Herrington discloses “an information providing apparatus (Fig. 1A, i.e. set-top box) for providing added-value information associated with content viewing selection, comprising: a viewing log information acquiring unit configured to acquire a viewing log, the viewing log including a log of a viewing of content and a log of a purchase of another content (Figs. 32A, 34, i.e. the system displays a viewing history and a purchase log); a content-associated information acquiring unit configured to acquire content- associated information associated with each content based on the viewing log, the content-associated information including attribute-values for attributes of each content.” (Col. 20 lines 25-35, Figs. 32A, 34, i.e. the system displays the date of when things were watched/purchased, the person watching, and how much purchases cost)

Herrington fails to explicitly disclose “an added-value information generating unit configured to measure a number of appearances of the attribute-values, the attribute-values having multiple appearances in the content-associated information, and rank the attribute-values for each attribute by the number of appearances based on the viewing log, and to generate added-value information, including a list of a predetermined number of the attribute-values which are ranked highest in the number of appearances among the log of the viewing of content and the log of the purchase of another content; and a presentation-information transmitting unit configured to transmit the added-value information.”

Mori teaches “an added-value information generating unit configured to measure a number of appearances (i.e. selection rate) of the attribute-values, the attribute-values

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having multiple appearances in the content-associated information (i.e. multiple values for the number of viewed programs for each genre are shown), and rank the attribute-values for each attribute by the number of appearances based on the viewing log, and to generate added-value information, including a list of a predetermined number of the attribute-values which are ranked highest in the number of appearances among the log of the viewing of content and the log of the purchase of another content ..." ([0236], Fig. 27, i.e. multiple genres are displayed and ranked according to the number times they were viewed). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of including attribute values for each attribute of content in the viewing log and also ranking attribute-values as taught by Mori, to improve the television monitoring system of Herrington for the predictable result of determining users favorite genre based on their program selections.

The combination fails to explicitly disclose "a presentation-information transmitting unit configured to transmit a signal to present added-information to a user".

Zimmerman discloses "a presentation-information transmitting unit configured to transmit a signal to present added-information to a user" ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the television monitoring system of Herrington for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

Regarding **claim 26**, Herrington fails to disclose that “said presentation-information transmitting unit is further configured to transmit an added-value information screen that displays the list of predetermined number of attribute values which are ranked highest in number of appearances.”

Mori discloses “an added-value information screen ... [with a] list of the predetermined number of attribute-values which are ranked highest in number of appearances...” ([0236], Fig. 7). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of providing an added-value information screen that displays the list of predetermined number of attribute values which are ranked as taught by Mori, to improve the television monitoring system of Herrington for the predictable result of clearly sorting the attribute information and determining users favorite genre based on their program selections.

The combination still fails to disclose that “said presentation-information transmitting unit is further configured to transmit an added-value information screen that displays the list of the predetermined number of attributes...”

Zimmerman discloses that “said presentation-information transmitting unit is further configured to transmit an added-value information screen that displays the list of the predetermined number of attributes...” ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the television monitoring system of Herrington for the predictable result of enabling the user

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to see their viewing preferences profile so that they can determine their favorite genres or programs.

Regarding **claims 32, 36**, claims 32, 36 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 22, 26, respectively.

Regarding **claim 43**, claim 43 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 22.

Regarding **claim 45**, Herrington fails to disclose “a display unit configured to display the number of appearances of each attribute-value in the content-associated information.”

Mori discloses “a display unit (displaying unit 14) configured to display the number of appearances of each attribute-value in the content-associated information.” (Figs. 2, Fig. 27). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of providing a displaying unit as taught by Mori, to improve the television monitoring system of Herrington for the predictable result of enabling the users to see their preferences so that they can see their most watched television genre.

Regarding **claim 47**, claim 47 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 45.

**Claims 24-25, 27, 29, 31, 34-35, 37, 39, 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington in view of Mori, Zimmerman, and in further view of Ellis et al.(US Pub. **2004/0117831**), herein referenced as Ellis.

Regarding **claim 24**, Herrington discloses that “said content-associated information acquiring unit is configured to acquire the content-associated information by searching a content information database including attribute information of each content based on the viewing log to acquire the content-associated information” (Col. 20 lines 25-35, Figs. 32A, 34, i.e. the navigator accesses viewing log and purchasing records and displays them to the user).

Herring fails to explicitly disclose that “said presentation-information transmitting unit is configured to transmit the added-value information via said communication route”.

Zimmerman discloses that “said presentation-information transmitting unit is configured to transmit the added-value information via said communication route” ([0012], [0021], [0023], Figs. 1-3, i.e. one of ordinary skill in the art would recognize that the display of the user profile would be transmitted to the user via a television display or the like, which meets the limitation a “communication route”). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the television monitoring system of Herrington for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

Herrington discloses a television monitoring system to monitor and record a user’s EPG activity and viewing habits using a set-top box, which can include a DVR or PVR (Col. 8 lines 4-11). Herrington further teaches the display of a purchase and viewing log (Figs. 32A, 34), however the combination fails to explicitly disclose that “said



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viewing log information acquiring unit is further configured to acquire a recording log of a recorded content, via a communication route, from a recording device, and aggregate the acquired recording log into the viewing log including the log of a viewing of content and the log of a purchase of another content”

Ellis teaches the technique of “acquir[ing] a recording log of a recorded content, via a communication route, from a recording device.” ([0148], Figs. 1a, 19). Thus the combination of Herrington, Mori, Zimmerman and Ellis teaches the limitation of “aggregate the acquired recording log into the viewing log including the log of a viewing of content and the log of a purchase of another content.”

Therefore, it would have been obvious to one of ordinary skill in the art to apply the technique of acquiring a recording log via a communication route as taught by Ellis, to improve the television monitoring system of Herrington for the predictable result of enabling the user to see their past recording choices.

Regarding **claim 25**, Herrington discloses that “said content-associated information acquiring unit is further configured to acquire content-associated information about each content based on the viewing log via a predetermined communication route” (Col. 20 lines 25-35, Figs. 1A, 32A, 34, i.e. one of ordinary skill in the art would recognize that the content information would be acquired the internal circuitry of the set-top box, which meets the limitation a “communication route”)

Herrington discloses a digital video recorder (Fig. 1B) however fails to disclose that “said added-value information generating unit is further configured to generate the added-value information in said recording device.”

Mori discloses that “said added-value information generating unit is further configured to generate the added-value information in said recording device.” ([0190], [0193], [0196], [0236], Fig. 7). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of generating added value information in the recording device as taught by Mori, to improve the television monitoring system of Herrington for the predictable result of reducing processing complications at the content provider.

Herrington fails to disclose that “said viewing log information acquiring unit is further configured to acquire a recording log of a recorded content from a recording device, aggregate the acquired recording log into the viewing log including the log of a viewing of content and the log of a purchase of another content, and store the viewing log in said recording device.”

Ellis teaches the technique of “acquir[ing] a recording log of a recorded content, via a communication route, from a recording device.” ([0148], Figs. 1a, 19). Therefore, it would have been obvious to one of ordinary skill in the art to apply the technique of acquiring a recording log via a communication route as taught by Ellis, to improve the television monitoring system of Herrington for the predictable result of enabling the user to see their past recording choices.

Herrington discloses a television monitoring system to monitor and record a user's EPG activity and viewing habits using a set-top box, which can include a DVR or PVR (Col. 8 lines 4-11). Herrington further teaches the display of a purchase and viewing log (Figs. 32A, 34). Thus the combination of Herrington, Mori, Zimmerman and

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Ellis teaches the limitation of “aggregate the acquired recording log into the viewing log including the log of a viewing of content and the log of a purchase of another content.”

Regarding **claim 27**, Herrington fails to explicitly disclose “an input unit configured to accept an attribute selection through said added-value information screen; and detail added-value information generating unit configured to search, in response to a selection of an attribute accepted by said input unit, for a content associated with the selected attribute and to generate detail added-value information including a list of content associated with the selected attribute, wherein said presentation-information transmitting unit is configured to present said detail added-value.”

Zimmerman discloses that “said presentation-information transmitting unit is configured to present said detail added-value” ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the television monitoring system of Herrington for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

The combination still fails to explicitly disclose “an input unit configured to accept an attribute selection through said added-value information screen; and detail added-value information generating unit configured to search, in response to a selection of an attribute accepted by said input unit, for a content associated with the selected attribute and to generate detail added-value information including a list of content associated with the selected attribute.”

Ellis discloses “an input unit configured to accept an attribute selection through said added-value information screen; and detail added-value information generating unit configured to search, in response to a selection of an attribute accepted by said input unit, for a content associated with the selected attribute and to generate detail added-value information including a list of content associated with the selected attribute.” ([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31, i.e. users are presented with a list of themes or genres. Users can select a theme or genre and be presented with program listings corresponding to the selected theme).

Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of allowing a user to select an attribute and search and display a list of content associated with the selected attribute as taught by Ellis, to improve the television monitoring system of Herrington for the predictable result of allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

Regarding **claim 29**, Herrington fails to disclose that “said detail added-value information generating unit is configured to search schedule information describing future content broadcast or distribution schedule for a content associated with the selected attribute and generate detail added-value information including a list of content associated with the selected attribute which is included in the schedule information including a broadcast or distribution schedule time of each content in the list of content.”

Ellis discloses “said detail added-value information generating unit is configured to search schedule information describing future content broadcast or distribution

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schedule for a content associated with the selected attribute and generate detail added-value information including a list of content associated with the selected attribute which is included in the schedule information including a broadcast or distribution schedule time of each content in the list of content.” ([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of allowing a user to select an attribute and search and display a list of content associated with the selected attribute as taught by Ellis, to improve the television monitoring system of Herrington for the predictable result of allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

Regarding **claim 31**, Herrington fails to disclose that “said presentation-information transmitting unit is further configured to present said detail added-value information on a detail added-value information screen, and said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content.”

Zimmerman discloses that “said presentation-information transmitting unit is further configured to present said detail added-value information on a detail added-value information screen.” ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the television monitoring system of Herrington for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

The combination still fails to explicitly disclose that "said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content."

Ellis discloses that "said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content." ([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of allowing a user to select an attribute and search and display a list of content associated with the selected attribute as taught by Ellis, to improve the television monitoring system of Herrington for the predictable result of allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

Regarding **claims 34-35, 37, 39, 41**, claims 34-35, 37, 39, 41 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 24-25, 27, 29, 31, respectively.

**Claims 28, 30, 38, 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington in view of Mori, Zimmerman, Ellis, and in further view of Potrebic et al. (US Pub. **2003/0212708**), herein referenced as Potrebic.

Regarding **claim 28**, Herrington fails to explicitly disclose that "said detail added-value information generating unit is configured to search the viewing log for a content associated with the selected attribute and generate detail added-value information

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including a list of content associated with the selected attribute based on in the viewing log.”

Ellis teaches the technique of selecting an attribute and “generat[ing] added-value information including a list of content associated with the selected attribute...” ([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of allowing a user to select an attribute and search and display a list of content associated with the selected attribute as taught by Ellis, to improve the television monitoring system of Herrington for the predictable result of allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

The combination still fails to explicitly disclose that “said detail added-value information generating unit is configured to search the viewing log for a content associated with the ... attribute.”

Potrebic discloses “said detail added-value information generating unit is configured to search the viewing log for a content associated with the ... attribute.” ([0062], [0063], Fig. 7, i.e. Potrebic teaches the technique of searching a viewer's viewing history against a database of TV programs). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of searching the users viewing log to inform them of shows of related to what they watched that might be of interest as taught by Potrebic, to improve the television monitoring system of Herrington for the

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predictable result of reminding the user that a show of interest will be broadcast sometime in the future so that they do not miss it.

Regarding **claim 30**, Herrington fails to disclose that "said presentation-information transmitting unit is further configured to present said detail added-value information on a detail added-value information screen, and said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content."

Zimmerman discloses that "said presentation-information transmitting unit is further configured to present said detail added-value information on a detail added-value information screen." ([0012], [0021], [0023], Figs. 1-3). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of displaying added-information to a user as taught by Zimmerman, to improve the television monitoring system of Herrington for the predictable result of enabling the user to see their viewing preferences profile so that they can determine their favorite genres or programs.

The combination still fails to disclose that "said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content."

Ellis discloses that "said input unit is configured to accept a selection of content from the list of content on the detail added-value information screen to trigger an operation to be performed on the selected content." ([0113], [0135]-[0136], [0164]-[0165], Figs. 3, 12, 25, 31). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of allowing a user to select an attribute and search and



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display a list of content associated with the selected attribute as taught by Ellis, to improve the television monitoring system of Herrington for the predictable result of allowing users to gather additional information, such as program listings, regarding specific genres without having to search through all the programs.

Regarding **claims 38, 40**, claims 38, 40 are interpreted and thus rejected for the reasons set forth above in the rejection of claims 28, 30, respectively.

**Claims 44, 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington in view of Mori, Zimmerman, and in further view of Traw et al. (US Pub. **2003/0066090**), herein referenced as Traw.

Regarding **claim 44**, Herrington fails to disclose that "the attributes include at least a genre and a performer."

Traw discloses that "the attributes include at least a genre and a performer." ([0061]-[0062], Fig. 5). Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of having attributes that include a genre and a performer as taught by Traw, to improve the television monitoring system of Herrington for the predictable result of providing the user with genre and actor information so that they can see their most watched television genre and favorite actor.

Regarding **claim 46**, claim 46 is interpreted and thus rejected for the reasons set forth above in the rejection of claim 44.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Q. Huerta whose telephone number is (571) 270-3582. The examiner can normally be reached on M-F(Alternate Fridays Off) 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alexander Q Huerta  
Examiner  
Art Unit 2427

July 1, 2010

/Scott Beliveau/  
Supervisory Patent Examiner, Art Unit 2427